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of Massachusetts

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*Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108*

Advisory Opinion

May 30, 2001
AO-01-12

Michael J. Barry, Esq.
14 Mount Vernon Street, Suite 307
Framingham, MA 01701

Re: Private Office in Town Building

Dear Mr. Barry:

This letter is in response to your May 24, 2001 request for guidance as to whether you may accept political contributions at your private law office, which is located in a public building.

You are a practicing attorney and the treasurer of Suzanne Aymes's Campaign Committee ("the Committee"). Your office is located in the Jonathan Maynard Building in Framingham. This building, at 14 Vernon Street, is owned by the Town of Framingham. You have indicated that your office is on the third floor, Suite 307. The Framingham school department has some administrative offices on the first and second floors. Private tenants, including other lawyers, accountants, psychologists, social workers and financial planners, occupy the remaining offices in the building. You wish to use your office address as the Committee's mailing address.

QUESTION

Can you receive political contributions at your office?

RESPONSE

Yes. Your law office would not be considered "occupied" for a governmental purpose. Therefore, the receipt of political contributions at your private law office would be consistent with the campaign finance law even though the Town of Framingham owns the building and the school department occupies a portion of the premises.

The campaign finance law prohibits the solicitation or receipt of "any payment or gift of money or other thing of value" for a political purpose in "any building or part thereof occupied for state,

county or municipal purposes.” See M.G.L. § 14. A building, which is municipally owned, is not necessarily subject to the prohibitions in § 14. See AO-98-14. (Advising that a public ballpark, which was leased to and used by a private organization, was not subject to § 14). Rather, it is the purpose for which a building is occupied that is critical to determining whether the structure is subject to fundraising restrictions. See AO-91-19.

I understand from your letter that the town of Framingham has leased a sizable portion of the Jonathan Maynard Building to commercial tenants, such as yourself. It appears that these professionals occupy office space for the purpose of furthering their business enterprises and not for any governmental purpose. In light of these circumstances, the sections of the building leased to commercial tenants cannot be considered “occupied for state, county or municipal purposes” even though the structure, as a whole, is in fact owned by the town.

Based on the foregoing, it is the opinion of this office that § 14 would not prohibit you from using your office address as the Committee’s mailing address.

Please note that this opinion is issued on the basis of your letter and solely within the context of the campaign finance law. I encourage you to contact us in the future if you have further questions regarding any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan
Director

MJS:bp